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Fifty-seventh session

SUMMARY RECORD OF THE 54th MEETING

Held at the Palais des Nations, Geneva,
on 12 April 2001, at 10 a.m.

*Chairperson*: Mr. DESPOUY (Argentina)

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*The meeting was called to order at 10.10 a.m.*

STATEMENT BY MR. SAID AL-SAHAF, MINISTER OF FOREIGN AFFAIRS OF IRAQ

1. Mr. SAID AL-SAHAF (Minister of Foreign Affairs of Iraq) said that, as the cradle of the first civilizations, Iraq was the repository of a heritage that had become the cornerstone of the life of Iraqi people today. Iraq had always given priority to the well-being of its people and had succeeded in offering them one of the highest standards of living in the region. The Iraqi Constitution and laws guaranteed the civil and political rights of its citizens, and democracy was assured through the conduct of free and direct legislative and local elections. The Autonomy Act passed in 1974 gave Iraqi Kurds the right to exercise their national rights and, in particular, to establish their own legislative, political, educational and cultural institutions. Women had the same economic, cultural and social rights as men and the State undertook to provide medical care and education for all children.

2. However, the military aggression against Iraq in 1991 and the subsequent embargo had undermined all those efforts. That inhuman embargo, unprecedented in modern history, had deprived the Iraqi people of their most fundamental rights and created more than 1.5 million victims, mainly children, women and elderly persons, who suffered from the lack of care and from malnutrition. The use by the United States of America and the United Kingdom of depleted uranium ammunition in the aggression of 1991 had also caused severe long-term damage to the environment.

3. The issue of human rights could not be considered in isolation. It was unfair to evaluate the human rights situation in Iraq on the basis of claims by entities that had openly declared their enmity to the country and pursued dubious political ends, while silence surrounded the crimes committed by those same entities through the maintenance of their embargo and their daily air raids against Iraq.

4. Some influential States, led by the United States of America, were urging the Commission to use confrontational methods with regard to other States such as Iraq, China, Cuba and perhaps even Russia. Far from benefiting human rights, such methods merely intensified hostilities between States. The silence in the face of the flagrant violations perpetrated by the United States of America against the Iraqi people and the double, selective standards applied in the evaluation of human rights could only harm the credibility of human rights agencies, especially the Commission. While criticizing the human rights situation in Iraq and other countries, the United States of America supported the criminal acts committed by Israel, using its veto to prevent the sending of civil observers to the occupied Palestinian territories. It was vital and urgent that the Commission should take a clear position on that issue and demand an end to the crimes committed by the Zionist occupation forces against the Palestinian people.

5. Dialogue and cooperation were the only means of promoting human rights in the world. The submission of politicized and selective draft resolutions targeting specific countries, usually developing ones, constituted open contempt of the noble purposes of human rights. The draft resolution to be presented by the European Union against Iraq was tendentious and contained a large number of unsubstantiated claims. Iraq appealed to all friendly and fair countries to stand against such draft resolutions.

6. The Iraqi people stood solidly behind their Government under the leadership of President Saddam Hussein and had full confidence in its patriotism and devotion to the cause of a democratic society and to the principles of freedom, independence and sovereignty. Hostile formulations and ungrounded attacks were futile against such a secure and well protected fortress. He appealed to the Commission to join international and regional efforts aimed at lifting the economic sanctions imposed on Iraq, which for many years had been observing all the commitments imposed on it by the Security Council resolutions.

SPECIFIC GROUPS AND INDIVIDUALS:

(a) MIGRANT WORKERS
(b) MINORITIES
(c) MASS EXODUSES AND DISPLACED PERSONS
(d) OTHER VULNERABLE GROUPS AND INDIVIDUALS (agenda item 14) (*continued*)
(E/CN.4/2001/5 and Add.1-5, 79-81, 82 and Add.1, 83 and Add.1; E/CN.4/2001/NGO/19, 20, 34, 39, 48, 58, 79, 84, 107, 111, 119, 130, 171, 177; E/CN.4/Sub.2/2000/22, 23, 27, 28)

7. Mr. DENG (Representative of the Secretary-General on Internally Displaced Persons) said that, as his mandate was under consideration for renewal by the Commission, it was time to reflect on the progress made and on the challenges remaining in the quest for an effective system of protection and assistance for internally displaced persons. Internal displacement affected between 20 and 25 million people in more than 40 countries throughout the world, although Africa was the worst hit. They all needed protection, humanitarian assistance and durable solutions in accordance with universal standards of human dignity.

8. Progress had been made insofar as the humanitarian challenge had been largely recognized. Moreover, a normative framework had been developed, which had been one of the main objectives of his mandate. Non-binding Guiding Principles had been drafted on the basis of existing norms of human rights law, humanitarian law and refugee law and had been welcomed at all levels, despite the fact that some Governments had recently expressed concern that they had been neither drafted nor formally adopted through intergovernmental negotiations. It should be remembered, however, that they had been the subject of extensive consultations. As they were not legally binding, although based on existing law, there was ample room for constructive dialogue to develop them without losing sight of the best interests of internally displaced populations.

9. The development of international institutional arrangements for internally displaced persons had proved to be even more challenging. Of the options proposed, a collaborative approach had been chosen and steps had been taken to improve coordination. For example, the Emergency Relief Coordinator, who headed the Office for the Coordination of Humanitarian Affairs (OCHA) and chaired the Inter-Agency Standing Committee (IASC), had been assigned responsibility by the Secretary-General for ensuring that the needs of internally displaced persons were met. IASC had recently established a Senior Inter-Agency Network on Internal Displacement to appraise the effectiveness of coordination at the country level, and its frame of reference was also the Guiding Principles. It would shortly be submitting a report to the Secretary-General based on a number of country reviews and would make recommendations on additional measures that might be taken to improve coordination and the effectiveness of the system. It was to be hoped that the effort to inject renewed vigour into alleviating the plight of the displaced would bring practical progress at the local level.

10. The country visits remained a key element of his activities. They offered the opportunity to study the situation of displaced persons at first hand and to evaluate the effectiveness of the measures adopted to meet their needs. In the dialogue with Governments and other relevant actors he always stressed that internal displacement was a problem falling under State sovereignty. Sovereignty should not be used as a barricade, however, but should be interpreted as the responsibility of a State towards its citizens and those under its jurisdiction. His role was essentially to facilitate cooperation between States and the international community in meeting those needs for which the capacity of the State might not be adequate. Furthermore, with all due respect for the sovereignty of States, the international community had a duty to intervene when populations needed protection and assistance and the Government on which they depended was unwilling to provide them.

11. He had undertaken 17 country missions in different regions of the world, most recently to Burundi, Georgia, Armenia and Angola. He was also planning to visit Sudan, Indonesia, Turkey and the

Philippines. Needless to say, country missions could be meaningful and improve the situation of internally displaced persons only if the authorities reacted positively and implemented his recommendations. While most countries responded positively to requests for visits, some Governments were evasive or negative, even when faced with a visibly severe problem of internal displacement. He urged the United Nations system to invite those countries to open up to international cooperation on behalf of their people.

12. Finally, he had carried out independent studies of various aspects of internal displacement in order to familiarize himself with the global crisis and the multiple challenges facing the international community and gain a better understanding of them. In that context, the United Nations had called on the Brookings-CUNY Project on Internal Displacement to organize seminars, projects and research into particular issues of interest to the international community.

13. Mr. KAVADZE (Observer for Georgia) said that Georgia had some 250,000 internally displaced persons as a result of the military conflict and ethnic cleansing practised by the Abkhazian separatists. Contrary to what might be deduced from the various decisions taken by the Soviet authorities in the 1930s, Abkhazia had been an integral part of Georgia for 2,000 years. Moreover, despite the ups and downs of a history marked by rebellions and infractions over the years, the majority of the population of Abkhazia was of Georgian origin, as the censuses of 1886, 1926 and 1989 had demonstrated.

14. In May 2000, the Representative of the Secretary-General on Internally Displaced Persons had undertaken an official mission to Georgia at the Government's invitation. On the basis of that visit he had made a number of recommendations that were set out in his report (document E/CN.4/2001/5/Add.4), which the Government was making every effort to put into effect. The Guiding Principles had been translated into Georgian and were regarded as an appropriate instrument for protecting the rights of displaced persons in Georgia. The Government had also deemed it necessary to translate the Guiding Principles into certain local languages, in particular Abkhaz and Ossetian, as the Representative had recommended. The recommendation regarding the need to guarantee the rights of displaced persons as citizens had also been taken into account and the Georgian Parliament had set up a special commission to amend the election law to bring it into line with Guiding Principle 22.1 (d). Steps had also been taken to improve living conditions, and the scope of a number of support programmes was to be extended to encompass internally displaced persons from the Abkhazia and the Georgia-South Ossetia conflicts. The implementation of self-sufficiency projects developed by the Government in close cooperation with the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office for the Coordination of Humanitarian Assistance, the World Bank, the United States Agency for International Development (USAID) and other international organizations and donor countries would facilitate the transition from humanitarian assistance to more sustainable development.

15. The Representative also asked the Abkhazian authorities to stop dissuading displaced persons from returning and called on the authorities in South Ossetia to establish the necessary law and order mechanisms. In that context, the question of how to hold non-State actors accountable for failure to respect international standards and principles was crucial. The Commission should study the human rights violations committed in the territories of Abkhazia and South Ossetia, which were not controlled by the Government of Georgia. Regarding the Representative's recommendation that the Government of Georgia should provide a fair mechanism for the restitution of returnees' property or compensation, Georgia had in fact advocated the adoption of a draft resolution at the Commission's last three sessions on the restitution of returnees' housing and property. The issue had been passed on to the Subcommission which, it was to be hoped, would take a decision on the matter.

16. The Government of Georgia welcomed the results of the regional workshop on internal displacement in the South Caucasus mentioned in the Representative's report (E/CN.4/2001/5/Add.2) and hoped to participate in other seminars of that nature. He appealed to members of the Commission to support the

draft resolution on internally displaced persons submitted by the delegation of Austria and to extend the mandate of the Representative of the Secretary-General for a further three years.

17. Ms. MACHADO (Observer for Angola) said that her Government was committed to implementing a programme of action to achieve peace and stability through economic recovery and harmonious development. The National Assembly had, with those aims in mind, adopted amnesty legislation for political offenders. Moreover, the Government had set up a Peace and National Reconciliation Fund with a view to establishing the conditions required for the reintegration into society of those who had abandoned armed subversion and turned their backs on the terrorist activities led by Mr. Savimbi, who refused to respect the Lusaka Protocol.

18. The programme launched by the Government was aimed at stabilizing the national economy and at measures designed to improve the social situation of the population as a whole and internally displaced persons, refugees and war-disabled persons in particular. Programmes had been drafted to improve education and health services, with priority being given in particular to measures to combat endemic diseases. The Government also guaranteed minimum social services to the most vulnerable sectors of the population, including internally displaced persons, now estimated at nearly 4 million people. It was reintegrating them in more stable areas with a view to offering them an environment in which they could become self-sufficient. A programme to stimulate agricultural production was also in operation in 13 of Angola's 18 provinces.

19. She was concerned that the various contributions to recovery and humanitarian aid programmes covered only 51 per cent of requirements and accordingly appealed to the international community to give her country even greater assistance in overcoming the serious difficulties it faced.

20. Mr. KOCHARIAN (Observer for Armenia) said that the international community had paid little attention to the problem of internally displaced persons in Armenia. As it happened, almost 200,000 persons—72,000 of whom had been displaced as a result of the Nagorno-Karabakh conflict and 120,000 victims of the 1988 earthquake and other natural disasters—had been welcomed and partially integrated by his country. The Representative of the Secretary-General on Internally Displaced Persons had described their plight in his report, in particular the absence of suitable housing, which was attributable to the difficulties faced by Armenia: the transition to a market economy, resulting in a high unemployment rate, the unilateral economic blockade imposed by Turkey and the effects of the unresolved Nagorno-Karabakh issue—all factors which created insecurity and prevented internally displaced persons from returning home.

21. In order to look after those persons and enable them to deal with the multiple problems they faced, the Government of Armenia had nevertheless taken a number of measures, aimed among other things at recovery and rehabilitation of border regions. Armenia appealed to the international donor community to provide help for the implementation of such measures and would, in fact, like to benefit from assistance similar to that granted to neighbouring countries. As such assistance was contingent on the presentation of a plan of action, the Government of Armenia had conducted many consultations with representatives of UNDP, the International Monetary Fund (IMF), the World Bank and other relevant organizations. The unilateral efforts being undertaken by Armenia on behalf of refugees and displaced persons required more support, including assistance provided through the existing mechanisms of the Commission on Human Rights, whose role should be to help re-establish the basic rights of displaced persons in the region and in Armenia in particular.

22. He thanked the Representative of the Secretary-General for the highly constructive dialogue with his Government and hoped that the Representative would, under his renewed mandate, continue to follow up the activities undertaken pursuant to his recommendations. The Representative's comprehensive report on

the situation of displaced persons in Armenia could serve as a guide for international humanitarian organizations that decided to help those persons.

23. Ms. SHEA (United States of America) said that women and children belonging to racial, ethnic and religious minorities were vicitims of chattel slavery in Sudan. By persisting in denouncing abductions and saying nothing of the much more serious phenomenon of slavery, the Commission was abdicating its fundamental responsibility to defend the universal right of every human being to life, liberty and personal security. The existence in Sudan of slavery and slavery-like practices had been corroborated by the reports presented annually for the past seven years by the Special Rapporteur and by the High Commissioner for Human Rights herself. Those practices were carried out mainly by members of the Sudanese army and Popular Defence Forces controlled by the Government, and by militias.

24. In May 1999, the Government, while not admitting its responsibility, had acknowledged that the abduction and forced labour of women and children was a problem. In cooperation with United Nations agencies and other foreign bodies, it had established the Committee for the Eradication of Abduction of Women and Children (CEAWC). However, after two years of work CEAWC had managed to reunite only 353 children with their families, in the course of a highly publicized operation shortly after its creation, out of the thousands of people from the South thought to be enslaved in the North. In his report to the General Assembly in September 2000, the Special Rapporteur had stated that between 5,000 and 15,000 Dinka children and women had been abducted and transferred to areas controlled by the Arab Baggaara tribe and that CEAWC's efforts had been seriously impeded. He had concluded that the Committee's ineffectiveness was probably due to the lack of interest taken by the top political leadership in the process or by their reluctance to cooperate. Meanwhile, the raids continued and slaves were being taken at a faster rate than they could be released by CEAWC.

25. Slavery was one aspect of the tragic situation in Sudan, along with the aerial bombardments of civilians, the Government's restrictions on humanitarian aid, the religious persecution, the degradation of women, the conscription of child soldiers, the absence of the rule of law, and the 2 million dead and 4 million displaced persons. Had the discovery of oil in Sudan encouraged some to resort to euphemisms and half-truths? At all events, the Commission would not have done its work until it had honestly confronted the horrendous practice of slavery and put an end to the brutal human rights violations in Sudan. It was up to the Commission to exert moral suasion, and it should therefore speak clearly and candidly.

26. Ms. INAYATULLAH (Pakistan), referring to agenda item 14 (b), said that the fundamental rights of minorities, who made up 3 per cent of her country's population, were guaranteed by the Constitution of Pakistan, which provided that every citizen had the right to profess, practise and propagate his religion and that all citizens were equal before the law. At the federal level there was the Ministry of Minorities, headed by a representative of the minorities, and a national Commission for Minorities, and at the local level there were two regional offices as well as district minority committees. Members of minorities held senior office in defence, administration and the judiciary. The present Government was fully aware of its responsibilities to minorities and was very keen to enhance understanding and harmony among the citizens of Pakistan, were they Muslim or non-Muslim. The different religions existing in Pakistan were practised freely and there was no restriction regarding the publication of religious works or religious instruction nor any discrimination regarding enrolment in public schools.

27. In contrast to many countries, the provisions of the Pakistani Penal Code concerning blasphemy were neither discriminatory nor aimed at particular individuals or communities but were intended to ensure respect for all religions. Complaints under the blasphemy law did not emanate from the existence of the law but from its misuse. The Government of Pakistan had instituted administrative measures and operational safeguards to prevent such abuse. Persons accused of violating blasphemy laws enjoyed due legal process with full right to appeal at all levels. Some 75 per cent of cases were brought

against Muslims and only 25 per cent against non-Muslims. No one had ever been executed for blasphemy.

28. Contrary to simplistic notions, the existing system of separate electorates was designed to ensure the integration and effective participation of members of minorities in the social, economic and political life of Pakistan. In recent years some minorities had demanded the abolition of the system. The Government was currently examining the question but believed that it was extremely important to achieve consensus both nationally and within the minority communities.

29. No country was perfect, but Pakistan had never shied away from constructive criticism. Unfortunately, however, it had been unjustifiably criticized for some years by certain so-called non-governmental organizations (NGOs) which used the question of minority rights to serve their own vested interests and to defame Islam. Paradoxically, those very organizations conveniently chose to ignore the situation of minorities in a country of the region where the rights of all minorities, in particular those of Muslim minorities, were trampled on. The delegation of Pakistan was very concerned by their selectivity.

30. Ms. ACOSTA (Mexico), speaking on behalf of the Group of Latin American and Caribbean States (GRULAC), said that the countries of Latin America were concerned about the fate of migrants who, in many cases, fell into the hands of traffickers and were confronted by xenophobia in the countries of their destination, where hostile political groups were on the increase. At work, and in matters of education and housing, migrants were the butt of all types of discrimination, not to mention the treatment meted out to them at ports and airports on arrival.

31. For the countries of Latin America and the Caribbean, a region with a long tradition of welcoming migrants, protection of the rights of migrants and their families was incompatible with a policing or repressive attitude. National human rights education programmes should include the inculcation of respect for the rights of migrant workers. Host countries should do everything possible to bring migrants' families together and should set up programmes to regularize their status. The countries of Latin America and the Caribbean also appealed to States to apply article 36 (Communication and contact with nationals of the sending State) of the Vienna Convention on Consular Relations and to regard that article as an integral component of international human rights norms. In an Advisory Opinion of October 1999, the Inter-American Court of Human Rights had confirmed the validity of the article and its enforceability.

32. It was vital that the World Conference against Racism included in its Declaration and Plan of Action the notions contained in the Declaration of Santiago adopted by the countries of Latin America at their preparatory regional conference. The Declaration reaffirmed the responsibility of Governments to safeguard and protect the human rights of migrants living in their territory and under their jurisdiction against illegal acts by their agents or by individuals or groups motivated by racism, recalled the vulnerable situation in which migrants often found themselves and the importance of creating conditions conducive to greater tolerance and respect between migrants and the rest of society, recalled the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families opened for signature in 1990, and expressed concern at the international traffic in migrants.

33. The States of Latin America and the Caribbean welcomed the report presented by the Special Rapporteur on the Human Rights of Migrants, which made an important contribution, particularly in the context of the forthcoming World Conference against Racism.

34. Mr. NGOUBEYOU (Cameroon), speaking on agenda item 14 (b), said that a country could not progress smoothly and steadily unless it ensured that all the groups living in it could coexist peacefully. The existence of minorities in a State should be regarded as a benefit rather than a threat. Every multicultural or multi-ethnic State was required to guarantee equal rights for the different groups making up its population and to promote respect of individual cultures without discrimination. Cameroon thus

welcomed the holding of a seminar in Arusha on 15 May 2000 on multiculturalism in Africa. It also supported the idea of creating a fund to help representatives of minorities to take part in the Working Group on Minorities, as had been the case with the Working Group on Indigenous Peoples.

35. However, there was an unfortunate and growing confusion between the rights of minorities and the right of peoples to self-determination. Manipulation of minorities had become a weapon used to destabilize States and nations, to the point that no country in the world could be completely safe from interference and destructive extremism. When speaking of protecting minorities, therefore, emphasis should be placed on harmony and tolerance as much as on respect for the integrity of States.

36. Cameroon, a multi-ethnic country where more than 230 ethnic groups and several religious groups lived together peacefully, regarded sociocultural diversity as a mutually enriching factor. The well-understood and universally accepted aim was to construct a nation where each citizen felt at home everywhere, a task that called for sociocultural intermingling of ethnic groups, balanced regional development, fair distribution of the benefits of growth and protection of minorities and underprivileged groups. A social project of that nature had been adopted by Cameroon under the presidency of Mr. Paul Biya, whose Government had undertaken a revision of the Constitution in 1996 to guarantee the protection of minorities and the security of the individual. At the same time it had taken measures to promote economic development and build confidence within the country. The encouragement of sport, in particular, was one of the methods used to promote integration and cement national unity. Every year, the Government organized school games (ossuc) to foster encounters between young people from all provinces and allow all social classes to mix without ethnic considerations. Indeed, Cameroon felt that the refusal to accept differences was often at the root of many of the atrocities that so many countries throughout the world, particularly in Africa, had experienced and continued to suffer. Thanks to the measures and laws adopted by the National Assembly, Cameroon enjoyed a peaceful political and social climate. It was therefore regrettable that individuals should attempt to destabilize the country by inventing an alleged marginalization problem among one linguistic minority. The very composition of the political apparatus, which included a French-speaking Christian President, a Muslim Speaker of the National Assembly and an English-speaking Prime Minister from the West, was the best proof of the integration of different sociocultural groups in the country.

37. Mr. GUILLEN BEKER (Peru), referring to the question of migrant workers, said that there was a contradiction between the growing tendency to restrict mobility, which was one of the driving forces behind economic development, and the increase in the pressure to migrate, which was a result of globalization, as the International Labour Organization (ILO) had mentioned in a report entitled "Workers without frontiers". According to ILO, the breakdown of society due to restructuring would only prompt even more people to search for work abroad in the years to come. The total number of migrants in the world was already in excess of 120 million, compared with just 75 million in 1965. The corollary of that situation could be seen in growing manifestations of racism, xenophobia and discrimination, with migrant populations as victims.

38. At the same time, globalization highlighted the interdependence of countries and consequently what might be called "shared responsibility". The question of respect for the human rights of migrants should be seen in the light of that concept. The delegation of Peru fully supported the proposal by the Special Rapporteur on the Human Rights of Migrants to establish interregional, regional and bilateral dialogue between the countries of origin, transit and destination, to prevent irregular migration and, in particular, the illegal trafficking in migrants, the victims of which were often women and unaccompanied children. Particular attention should be paid to that question, especially in view of the fact that trafficking, which generated between 5 and 7 billion dollars per year, was the illegal commercial activity that produced most profit after drug trafficking. In that context, the delegation of Peru supported the recommendations of the Special Rapporteur to put an end to the impunity of traffickers and to cease criminalizing the victims, in other words the migrants themselves.

39. Referring to the human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) pandemic, he said that his country was doing as much as its economic situation would allow to apply the Guidelines on HIV/AIDS and Human Rights. The right to health was a basic right which, when it could not be exercised, was closely linked with poverty. His delegation therefore supported the draft resolutions on the protection of human rights in the context of HIV/AIDS and on access to medication in the context of pandemics such as HIV/AIDS, and urged all delegations to do the same.

40. Finally, referring to the mass exodus of displaced persons, he said that the mandate of the Representative of the Secretary-General on Internally Displaced Persons should be extended to enable him to carry on responding to questions that continued to arise in that field.

41. Ms. ACOSTA (Mexico), referring to the question of migrant workers, said that migration was an integral component of globalization and would become an inescapable aspect of the evolving world order in the decades to come. There were currently more than 150 million migrants in the world, of whom 40 per cent were without papers. Transfers of funds by migrants amounted to 70 thousand million dollars per year, more than the revenue from oil. For its part, the developed world required migrant labour. Together, those factors explained why the flow of migrants was increasing by 4 to 8 per cent every year.

42. Mexico particularly welcomed the fact that the international community, as it prepared a world conference against racism, was focusing on the human rights of migrants. Countries and their governments should recognize that international human rights instruments were applicable to migrants and should refrain from criminalizing migrants, particularly by calling them "illegal", which only served to justify violating their rights.

43. Consideration of the issue by the international community should include the following elements: recognition of the concept of co-development, in other words the contribution made by migrants to the economies of the destination countries, and the need for those countries to contribute to the economic development of the migrants' regions of origin; universal accession to the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which was due to enter into force in 2001; recognition of the fact that free movement of capital and goods had to be accompanied by free movement of persons; and intensification of bilateral and regional mechanisms for dialogue on migration issues. In that respect, Mexico was encouraged by the position adopted by the regional conference in Santiago in preparation for the World Conference against Racism.

44. The Government of President Vicente Fox in Mexico attached very great importance to the protection of the rights of migrants. Within the first three months of his term of office, President Fox had set up a bureau for Mexicans living abroad, launched a programme to facilitate transfers of funds by Mexicans living abroad, established social projects in the poorest regions of the country to slow down the exodus of migrants, initiated dialogue with the main migrant destination country on terms of shared responsibility and, finally, encouraged initiatives to enable Mexicans living abroad to exercise their political rights, among other things by being able to vote.

45. The Mexican delegation had studied the report by the Special Rapporteur on the Human Rights of Migrants and renewed its invitation to her to visit Mexico in the coming months. It hoped that the two draft resolutions that Mexico proposed to submit on the human rights of migrants and on the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would be widely supported by the members of the Commission, as in previous years.

46. Mr. BOWA (Zambia) said that, although it was an obvious fact, he wished to remind the Commission that the countries which bore the brunt of receiving the largest numbers of refugees and asylum seekers were, like Zambia, economically weak. His country was one of the least developed, and its economic ills were compounded by the problem of external debt servicing. His delegation therefore

appealed to creditor countries and to the IMF and the World Bank to implement debt relief for Zambia and other countries in the same situation.

47. Zambia was at present playing host to around 260,000 refugees of 13 nationalities, the majority coming from Angola and the Democratic Republic of the Congo. Ex-combatants of the National Union for the Total Independence of Angola (UNITA) were also present on Zambian territory. In the absence of a United Nations agency expressly responsible for identifying refugees, the Government of Zambia often had difficulty in maintaining the civilian character of the camps where they lived. A United Nations agency should take responsibility for keeping the armed elements that Zambia was forced to take in apart from other refugees, as there was no relevant provision in the international protection regime.

48. Zambia was receiving food aid from the World Food Programme (WFP) but it was woefully inadequate. Recently, WFP and UNHCR had launched an appeal on behalf of Zambia. If the appeal were ignored, the food situation for refugees, local communities and humanitarian workers in the camps could become critical. Although the Government had received assurances from WFP and UNHCR that the food situation of refugees would normalize in the first half of 2000, the problem seemed likely to persist undiminished in the months that followed. He therefore appealed to the Commission on Human Rights to join hands with those two humanitarian organizations and draw the attention of the international community to the need to provide increased support to refugees in Zambia and Africa in general.

49. The report by the Representative of the Secretary-General on Internally Displaced Persons showed that the international community was increasingly aware of the global dimension of that problem. Given the scope of the task that remained to be completed, however, Zambia supported a renewal of the Representative's mandate.

50. Referring to migrants, he stressed the need for a concerted and comprehensive response at the national, regional and international level. The international community was currently confronted by a new scourge, namely trafficking in persons, especially women and children, by organized gangs. According to the International Organization for Migration (IOM), between 700,000 and 2 million women and children were involved in such trafficking every year. Zambia supported and was in the process of signing the United Nations Convention against Transnational Organized Crime and the Protocols Thereto and hoped that it would enter into force in the near future. It shared the concern of the Special Rapporteur on the Human Rights of Migrants regarding the importance of avoiding criminalization of victims of trafficking. It also believed that developed countries should endeavour to improve the economic situation of developing countries so that would-be migrants would find it unnecessary to migrate to other countries as "economic refugees".

51. As to the HIV/AIDS pandemic, protection of the human rights of persons with the virus or suffering from the disease was contingent on their having access to drugs as part of the basic human right to health. That question was critical for developing countries.

52. Zambia was aware that conflicts were often at the root of human rights violations and was accordingly committed to the quest for a peaceful resolution of the conflicts in Africa. It welcomed the interest shown by the High Commissioner for Human Rights in that issue and appealed to all people of goodwill to support calls for increased financial and material support for refugee programmes in Africa in the spirit of burden-sharing.

53. Mr. JAKUBOWSKI (Poland) denounced the flagrant violations of human rights to which persons affected by HIV/AIDS were subjected. AIDS was now the primary cause of death in Africa and had killed around 3 million people in 2000. The pandemic was taking on terrifying proportions, but there was reason for hope since much more was now known about the disease and ways of preventing it from spreading. Moreover, governments and politicians had shown an unprecedented commitment to act, highlighted in

particular by the various undertakings in the Millennium Declaration adopted in September 2000 and by the decision to hold a special session of the General Assembly on HIV/AIDS.

54. The promotion and protection of the human rights of persons affected by HIV/AIDS were essential not only to safeguard human dignity but also to facilitate and strengthen the implementation of prevention and treatment programmes with the participation of communities and NGOs. Effective action was possible only through major mobilization of the international community, NGOs and civil society.

55. Poland, which had 20,000 people who were seropositive or suffering from AIDS, had gradually developed an anti-AIDS policy whose main objectives had been laid down in a national programme aimed at rationalizing the system of prevention and care as well as heightening public awareness. The delegation of Poland, which had made substantial contributions to the work of the Commission bearing on the protection of human rights in the context of HIV/AIDS, would be presenting a draft resolution on that subject sometime in the course of the year. It stressed the essential role played by governments, United Nations agencies (particularly the Joint United Nations Programme on HIV/AIDS (UNAIDS)) and NGOs in mobilizing resources. It hoped that the Commission would resolve to express concern over the scale of the pandemic and its social and economic impact and over the numerous forms of discrimination and violations that the victims had to deal with. The position taken by the Commission could not but influence the work of the special session, which would be duty-bound to take into account the full complexity of the problem.

56. Mr. LI Baodong (China) said that the Government of China had introduced a number of policies to promote and protect the rights of ethnic minorities and to stimulate the social and economic development of the regions where they lived. Of the 55 ethnic minority groups registered in China, 43 lived in the west of the country and the Government had recently adopted a development strategy for its western regions calling for heavy investment in infrastructure and industrial equipment. It also emphasized science, technology and education, in particular training for professionals among the various minorities. By 2000, the regions concerned had already registered sustained economic growth, continuation of which would reduce the gap between the east and west of the country and promote harmonious relations between their populations.

57. The Government of China had also amended the law on the autonomy of ethnic minority regions to provide a legal basis for the measures designed to promote development in Western China. The new provisions called for preferential policies in finance, fiscal and commercial matters, greater efforts to alleviate poverty and protect the environment, and increased budgetary resources for the regions concerned.

58. The autonomous status guaranteed the right of ethnic minorities to participate fully in the management of state affairs and to live according to their traditions, practising the religion and using the language of their choice. The protection of political, religious and cultural rights, on the one hand, and social and economic development, on the other, were not mutually exclusive but complementary. When the economy of a region improved, minorities who lived there were in a better position to develop their culture and traditions and practise their religion. For that reason the Government of China gave priority to improving the standard of living and modernizing the regions concerned. Conservatism and isolation were not the right approach to assuring the survival of a nation or culture.

59. Mr. FERRER RODRIGUEZ (Cuba) said that regrettably, more than ten years after its adoption, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had been ratified by only 15 States, although at present migrant movements and violations of the rights of migrants were on the increase. The anti-migrant measures enforced by the United States of America along its southern border since 1994 had cost the lives of hundreds of people, many immigrants had been arbitrarily detained for more than three years by the American immigration service and the standard of

living of immigrants to the United States of America had deteriorated over the past 30 years, a situation that was indicative of flagrant discrimination against migrants and a general violation of their basic rights.

60. The Government of Cuba had signed several agreements with the Government of the United States of America with a view to facilitating legal emigration and thereby protecting the life and physical integrity of Cubans wishing to emigrate to the United States. However, the so-called Cuban Adjustment Act of 1966 continued to encourage illegal emigration as it granted any Cuban landing in the United States the right of residence. The law also constituted a source of discrimination against illegal immigrants from other countries, who were treated like criminals. The Government of Cuba deplored the passive attitude of the American authorities in the face of activities by traffickers in Cuban migrants operating from the United States. It called on the American Government to put an end to their impunity and accept the proposed extradition to Cuba of 68 traffickers who had been arrested. It also called for the immediate revocation of the Cuban Adjustment Act.

61. The measures mentioned in the Secretary-General's report on protection of human rights in the context of HIV/AIDS would remain inadequate as long as developed countries failed to show solidarity with underdeveloped countries, where 95 per cent of the persons affected by HIV/AIDS were to be found, by giving them access to available drugs. It was unacceptable for transnational companies to continue to hide behind patents and intellectual property regimes in order to carry on selling those drugs at very high prices, thus depriving millions of people of the right to life. In that context, the delegation of Cuba repeated the offer made by the President of Cuba at the Millennium Summit to provide, free of charge, the services of 3,000 doctors in sub-Saharan Africa to combat the AIDS epidemic there if developed countries provided the necessary drugs and resources.

62. The situation of minorities was another very worrying problem. In the Czech Republic, for example, the Roma minority were victims of segregation that was almost tantamount to apartheid. A worrying number of Roma children went to school in establishments intended for retarded children. More than two thirds of the Roma were unemployed and 1,800 cases of racist aggression against Roma had been registered in the past eight years. There was no simple solution to the problem. It was not just a question of applying the relevant provisions of international instruments or national legislation but also of showing genuine political will and implementing multisectoral measures on behalf of migrants. The Government of Cuba had put its words into action and set up a system of scholarships to enable 5,000 underprivileged foreign students, including a number of representatives of indigenous groups, to study free of charge in Cuba.

*Statements in exercise of the right of reply*

63. Mr. MAHMOUD (Observer for Sudan) categorically denied the allegations by the delegation of the United States of America that slavery was still practised in Sudan. Quoting a journalist from the *New York Times*, he told the members of the Commission that an article reporting on forms of slavery in the United States of America was available for their examination.

64. Mr. UNLER (Observer for Turkey) said that his Government had not set up a blockade against Armenia. Although the two countries did not have diplomatic relations, there were regular flights between the two capitals and humanitarian aid had never been blocked at the frontiers.

65. Mr. NAZARIAN (Observer for Armenia), referring to the report by the Representative of the Secretary-General on Internally Displaced Persons, said that the blockade which had been imposed for nine years on Armenia had a negative impact on the political and economic development of the country and on the situation of its population, particularly internally displaced persons and refugees. It represented a violation of all basic rights and also created a tense international climate in the region.

66. Mr. UNLER (Observer for Turkey) said that if Armenia wanted to have good relations with countries in the region, it should put an end to the occupation of Azerbaijan and endeavour to find a peaceful settlement to the conflicts between itself and its neighbours.

67. Mr. NAZARIAN (Observer for Armenia) said that Turkey was one of the countries with the worst human rights records in the world. He repeated that the unilateral blockade of Armenia deprived the country of its right to development and prevented its people from exercising their economic, social and cultural rights.

*The meeting rose at 1.05 p.m.*

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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 55th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 12 April 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 3.10 p.m.

SPECIFIC GROUPS AND INDIVIDUALS:

(a) MIGRANT WORKERS

(b) MINORITIES

(c) MASS EXODUSES AND DISPLACED PERSONS

(d) OTHER VULNERABLE GROUPS AND INDIVIDUALS

(agenda item 14) (continued) (E/CN.4/2001/5 and Add.1-5, 79-81, 82 and Add.1 and 83 and Add.1; E/CN.4/2001/NGO/19, 20, 34, 39, 48, 58, 79, 84, 107, 111, 119, 130, 171 and 177; E/CN.4/Sub.2/2000/22, 23, 27 and Corr.1 and 28)

1. Mr. SOLARI (Argentina) said that large numbers of immigrants had been successfully integrated into Argentine society thanks to a Constitution which provided for their equal treatment and access to nationality and citizenship. Argentina had hosted the first South American conference on migrants in 2000, at which the need to encourage civil society and the media to raise public awareness of the human rights of migrants had been stressed. The participating countries had also agreed on the importance of cooperation on migrant issues between countries of origin and destination. Organized migration had been identified as a means of combating both irregular migration and trafficking in human beings. Argentina had also signed bilateral agreements with Bolivia and Peru to facilitate the regularization of migrants from those countries. A national institute to combat discrimination, xenophobia and racism had elaborated programmes to raise awareness of the human rights of migrants.

2. While anxious to guarantee the right of persons to enter, reside in, move in transit through and leave Argentine territory, his Government was doing its utmost to implement structural changes to ensure that young professionals were not forced to seek employment abroad for socio-economic reasons. Since public opinion viewed the "brain drain" as an obstacle to the country's development, the Government (in cooperation with international organizations and civil society) had brought citizens into contact with Argentinians living abroad so that they might collaborate on professional, academic, technical and other projects of benefit to the country.

3. His delegation was committed to supporting the work of the Special Rapporteur on the human rights of migrants.

4. Mr. ZHELGOV (Russian Federation) said that the elaboration of appropriate approaches to resolve the problems of minorities was an ongoing concern for many States, including his own. In some so-called "civilized" States, minorities continued to be marginalized in decision-making processes and subjected to discrimination in the workplace and in education. The Commission played an important role in defending minority rights, as evidenced in the report of the Secretary-General (E/CN.4/2001/81) and the report of the Working Group on Minorities (E/CN.4/2001/27). It was to be hoped that the Working Group would continue its work and devote more attention to concrete situations involving minorities.

5. In his country, the harmonization of inter-ethnic relations was a national priority. Comprehensive legislation - in line with international standards - guaranteed the rights of minorities, including their participation in decision-making. The Russian Federation comprised 177 peoples represented by over 1,000 community organizations which had been established during the period of democratic transition. Since 1996, hundreds of autonomous areas had been created at various levels, including one for the Roma people.

6. In order to combat nationalism and xenophobia, the emphasis was placed on preventive measures, including special education programmes to promote tolerance. The representation of ethnic groups in government and business was proportionally greater than their demographic representation.

7. Legislation provided for the possibility of receiving education in a person's mother tongue. Instruction in schools was currently conducted in 38 languages, with some 80 languages studied as part of the curriculum. Teachers were also being trained to work in native schools. Most republics had passed laws providing for an additional language to be used in government and other institutions alongside the State language. The number of regional newspapers, journals, television and radio programmes and Internet Web sites in native languages was also on the increase.

8. Despite recent improvements, his delegation continued to be concerned at the situation of the Russian-speaking population in Latvia and Estonia which still failed to meet international standards, particularly in the area of Russian-language education as reflected in the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.142) on the situation in Latvia. His delegation accordingly wished to urge Latvia and Estonia to realize the rights of minorities residing in their territories. In particular, the procedure for acquiring citizenship should be simplified so that hundreds of thousands of permanent residents might enjoy their political and other rights. As a first step, non-citizens should at least be allowed to participate in elections and enjoy access to those professions currently barred to them.

9. In view of the vulnerability of minority groups, it was essential that their linguistic and other rights should be protected in both legislation and practice. At the international and regional levels, the relevant bodies should enhance the effectiveness of their work and promote inter-agency cooperation. In the new century, it was vital to give renewed impetus to joint efforts to realize minority rights.

10. Mr. BETANCOURT-RUALES (Ecuador), taking note of the report of the Special Rapporteur on the human rights of migrants (E/CN.4/2001/83), said that his delegation fully concurred with her understanding of the legal framework of her mandate. It was to be hoped that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families - which his country hoped to ratify before the Commission's fifty-eighth session - would provide the Special Rapporteur with an additional legal reference. His Government would do its best to ensure the success of her forthcoming visit to Ecuador.

11. Migrants had contributed positively to the formation of many States, his own included. Ecuador, indeed, was both a host country and a destination country. As part of its efforts to

regularize the situation of migrants and protect its own nationals abroad, his Government made active efforts to coordinate with other States, in accordance with relevant domestic legislation and international standards.

12. His delegation had supported all United Nations efforts to promote the human rights of migrants. It agreed with the identification by the Special Rapporteur of broken families as a matter requiring her particular attention. Such families increasingly encountered infringements of their economic, social and cultural rights, particularly in developing countries which lacked the resources to implement fully their international obligations in that regard and thus needed international assistance.

13. His delegation wished to reiterate its willingness to cooperate with other States to further the human rights of the millions of migrants throughout the world, and to strengthen the Commission's activities to that end.

14. Mr. GOPINATHAN (India) said that his country took great pride in its diversity. It was essential to achieve the social integration of all groups, particularly minorities, who were especially vulnerable. In the contemporary "global village", there was a need for concerted action by civil society and the media to promote a culture of tolerance, especially in view of the resurgence throughout the world of various forms of exclusivism, bigotry and hatred, as well as violence motivated by religious extremism.

15. The appropriate response was to be found in a democratic and constitutional framework which allowed the establishment of firm foundations of equality and non-discrimination. A culture of human rights and respect for pluralism should be promoted by Governments and given prominence in United Nations bodies, including the relevant Commission mechanisms.

16. The Working Group on Minorities had established itself as a serious forum for the analysis and consideration of constructive solutions to the problems of minorities. It must not, however, be turned into an instrument of "finger-pointing".

17. There was no single, universally applicable definition of minorities. In India, linguistic groups encompassed all segments of society in a particular region, cutting across ethnicities and religions, and minorities were accordingly defined principally along religious lines. Minority rights and freedom of religion were guaranteed by the Constitution. In keeping with its secular nature, however, no religious instruction could be provided in any institution wholly maintained out of State funds, and no person attending an educational institution recognized by the State could be compelled to take part in religious instruction. The Minorities Commission (established in 1979) monitored the workings of the Constitution and examined complaints regarding deprivation of the rights of minorities.

18. Regrettably, isolated incidents involving violence against members of minority communities did occur, although they were generally revealed to be the handiwork of criminal and fringe elements. The Government had repeatedly made it clear that it would not tolerate such incidents.

19. Lastly, he reiterated the comments made by his delegation at the Commission's previous session (E/CN.4/2000/SR.45, paras. 91-92), and expressed his disappointment that they had not found a mention in the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/2001/5).

20. Ms. BIE (Norway) said it was sometimes asserted that minorities were the source of tensions and conflicts. Her delegation was convinced, however, that all national, ethnic, linguistic and religious groups contributed to cultural diversity and thus enriched society. The international community must seek to achieve social stability by creating democratic systems in which minorities could effectively enjoy their fundamental human rights.

21. The United Nations played a prominent role in promoting and protecting the rights of minorities. The Working Group on Minorities was a useful and practical body which deserved to develop its work further. Her delegation welcomed the Working Group's focus on the effective participation of minorities in decision-making and particularly appreciated its work concerning the Roma minority in Europe.

22. The effective protection of minorities required Governments to take decisive action at various levels so as to allow minorities to develop their characteristics. Regrettably, minorities in Norway had in the past been subjected to an assimilation policy which was currently considered unacceptable. A recent government paper would, however, serve as a basis for developing a coherent minority policy. It included a thorough review of domestic legislation and of Norway's international obligations towards national minorities, as well as a historical review of their relationship to the State. In particular, it discussed ways of ensuring the equal participation of such minorities in society and the preservation of their languages and culture. Emphasis was placed on achieving fruitful dialogue with minority representatives.

23. A government body for combating ethnic discrimination (established in 1999) monitored the type and extent of discrimination and provided legal assistance to victims. A law was being drafted to prohibit ethnic discrimination in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination. Indeed, the elaboration of appropriate legislation was crucial to national efforts to eradicate intolerance and discrimination. Governments must also take the lead in combating fear and ignorance and effecting a change of attitudes towards minorities.

24. Mr. BASSIOUNI (United Nations Children's Fund (UNICEF)) said that UNICEF was working in more than 40 countries to address the needs of women and children displaced as a result of armed conflict and natural disasters. It therefore applauded the increased focus on internal displacement issues in recent years and had promoted the Guiding Principles on Internal Displacement among its field staff and partners. UNICEF supported a collaborative inter-agency response to internal displacement and had worked to ensure that the consolidated appeals process focused on internal displacement.

25. Mr. DRAGANOV (Observer for Bulgaria) said that the National Council on Ethnic and Demographic Issues served as a direct channel of communication between minority communities

and the Government; its members included various deputy ministers and representatives of 32 ethnic minorities. It was currently working on a programme for ethnic and religious tolerance.

26. Turning to his Government's efforts with respect to the Roma communities, he said that a framework programme for the equal treatment of the Roma in Bulgarian society was being implemented. Experts of Roma origin had been appointed to a number of ministries and district administrations and efforts were being made to increase the number of Roma in the police force. A number of projects on education and health care for the Roma population were being or were about to be implemented. Not all the problems relating to the Roma community had been resolved, however, and his delegation was accordingly looking forward to the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

27. Turning to the subject of the Bulgarian national minority in the Federal Republic of Yugoslavia, he said he welcomed the fact that representatives of the minorities, including the Bulgarian minority, were taking an active part in the process of democratic change in that country. His Government was looking forward to a constructive dialogue with the Government of the Federal Republic of Yugoslavia, which could bring about positive results in the practical realization of the rights of that minority.

28. Mr. MALEVICH (Observer for Belarus) said that his Government was taking steps to ensure that persons belonging to national, ethnic, religious and linguistic minorities were able to exercise their rights. The rights of minorities were protected under the Constitution and a number of laws. Indeed, the law pertaining to citizenship of the Republic of Belarus had granted citizenship without restriction to all persons who were permanent residents of that country in 1991, at the time the law was passed. Belarus had thus managed to avoid the nationally or religiously motivated conflicts that characterized so many States of the former Soviet Union. He drew attention to a press release circulated by his delegation which provided more information regarding his Government's policy with respect to the rights of minorities.

29. Mr. MEJÍA SOLIS (Observer for Nicaragua) said that, while his Government was committed to ensuring respect for the human rights of all without distinction, it was focusing its attention on the most vulnerable groups such as the very poor, those in rural areas where access to education, health and housing was limited and minorities, such as indigenous groups and the disabled. It was seeking to raise the standard of living of all Nicaraguans to help stem the outflow of migrant workers seeking a better life in other countries and had taken steps to reflect in its policy the values of a multi-ethnic and multicultural society. It was also trying to help the many rural inhabitants who were still suffering as a result of the war and who needed special programmes to help their reintegration into society. In that connection, he stressed the importance of clearing the country of anti-personnel landmines and helping to rehabilitate those who had been disabled by such mines.

30. Mr. SUN Zhonghua (China Disabled Persons Federation), speaking also on behalf of the United Nations Association of China and the All China Women's Federation, said that the situation of the disabled in China had improved considerably. The number of children with visual, hearing or mental disabilities who were attending school had reached a historic high, the number of persons with disabilities who were employed had risen, thanks to the establishment of

special vocational training institutions, and the incidence of blindness had been reduced thanks to the introduction of preventive measures such as screening of newborns and the provision of iodized salt. In addition, public awareness of the rights and abilities of persons with disabilities had been increased.

31. He expressed indignation at the fact that some countries were criticizing China's human rights record. Human rights should not be politicized nor should a double standard be applied to such issues. The unwarranted charges levelled against developing countries, particularly his own, had sowed distrust in the Commission and had seriously harmed the human rights movement.

32. Recalling that 600 Falun Gong disciples, acting on the instructions of Li Hongzhi, had committed mass suicide, he said that cults which did not register according to the law, which demonstrated without authorization, committed suicide or murder or harmed people or society must be banned. The Government should have banned Falun Gong much earlier. The organizations on whose behalf he was speaking believed that those few countries which supported Falun Gong did so simply because of their anti-China bias.

33. Ms. NKOWANE (World Young Women's Christian Association), speaking also on behalf of the World Union of Catholic Women's Organizations and Pax Christi, said that, given that half of all migrants were women, it was necessary to encourage further research and study of problems relating to migrant labour and women. She called upon Governments to improve the status of migrant women by inter alia ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Elimination of All Forms of Discrimination against Women, granting independent legal status to women migrants even if their residence permits were initially granted on the basis of marriage - since immigrant women often stayed in abusive marriages for fear of having to return home if they divorced - and making it easier for undocumented migrants to seek effective remedies for human rights violations without fear of being summarily deported.

34. In conclusion, she requested that special emphasis be placed on gender and gender issues with regard to migration, particularly the multiple jeopardy that occurred when gender, class, race and ethnicity intersected.

35. Mr. ARBEZ (World Union for Progressive Judaism), after thanking the World Union for giving him, a Genevan priest, the opportunity to address the Commission, said that it was essential to uphold the rights of minorities and to speak out. One reason that Hitler had dared to begin the extermination of millions of people, particularly Jews, in 1939 was that the Western Powers had greeted the massacres of Armenians, culminating in the genocide of 1915, with silence.

36. The West was again standing idly by while hundreds of thousands suffered at the hands of the Islamist regime in Khartoum, while Christians were being massacred by fanatics in Nigeria following the imposition of the shariah law on all the inhabitants of one state in that country and while Islamic commandos destroyed churches in the Molucca islands in Indonesia forcibly converting thousands of Christians and causing 500,000 persons to become displaced.

A Catholic bishop and a Protestant pastor had come to Geneva the previous year to urge the United Nations to intervene to stop the extermination of those people but there had been no response.

37. He wondered why neither Western politicians nor the Western media had seen fit to report those human rights violations being perpetrated against Christian communities and why they were applying such a double standard.

38. Mr. LITTMAN (Association for World Education) said that many members of the NGO community were feeling increasingly vulnerable as targets for attacks by State delegates. In a letter to the Chairperson of the Commission, dated 9 April 2001, the main representative of his organization had written that it was crucial to oppose ad hominem attacks on NGO representatives to the Commission whatever the reason. After referring to slavery and rape in the Sudan and growing ethnic-religious tensions in Indonesia, he said that the situation in the Moluccas required urgent attention from the Commission. The international community should assist the Government of Indonesia to end the acts of savagery, depravity and criminality in the Moluccas. The role of the Commission and of NGOs was to help Governments who found themselves unable to deal justly with violent outbreaks of communal, ethnic or religious conflict, and to find appropriate ways of dealing with minority issues at the first sign of tension.

39. Mr. PORRET (Association of World Citizens), referring to the link between internal displacement and refugee flows, said he wished to highlight the plight of environmental refugees. Even if environmental degradation did not lead to wide conflict, it could lead to internal displacement and cross-frontier flows. Successive droughts in Africa had created such displacement, and there was a real possibility that global warming and the consequent rise in sea level would lead to the displacement of coastal people. While everything possible had to be done to prevent global warming, there should be a plan of action within the United Nations system to deal with the resultant massive displacements of people.

40. Mr. SÁNCHEZ (American Association of Jurists) said that, together with 42 other non-governmental organizations (NGOs), his Association had sent a petition to the Bureau calling on the Commission to adopt a resolution asserting the primacy of the right to life over the exorbitant profits made by transnational pharmaceutical companies. The resolution should state that the right to life was more important than intellectual property rights; should urge the United States of America to withdraw its complaint at the World Trade Organization (WTO) against Brazil; and should appeal to the transnational pharmaceutical companies to drop their case against South Africa.

41. Although the argument was made that protection of a patent over a long period promoted investment in research, a large part of that investment was made by States, laboratories spent much more on advertising than on research, the owner of a patent very rapidly earned back the investment he had made and then made very large profits, the new knowledge acquired through research was the result of work done by a large number of scientists and technical experts, so it was questionable that it was the exclusive intellectual property of those who had invested the capital, and a long-term patent led to monopoly prices that were prejudicial to consumer interests.

42. The Security Council should adopt a resolution declaring that all drugs for the treatment of AIDS were in the public domain. The European Parliament had recently passed a resolution to the effect that the European Commission and the European Council should act without delay to recognize the right of countries affected by AIDS to import, manufacture and market drugs without paying intellectual property rights. The Commission should make an unambiguous statement on the subject during its current session.

43. Mr. LATTIMER (Minority Rights Group International) said that the civil war in Burundi was politically driven and manipulated by elites seeking to capture or maintain power. Since the signing of the Arusha peace accord in August 2000, the violence had increased and had resulted in further large-scale displacement. The controversial regroupment policy had forcibly contained civilians in so-called "protection sites" under the gaze of the army. Closure of the camps was stipulated in the Arusha peace accord but the practice continued. His organization welcomed the latest round of talks in Arusha, and recommended the permanent closure of all regroupment camps and the supported voluntary return of Burundians who had fled the country and of those who were internally displaced; the continued support of the international community for the peace process through diplomatic and financial backing and peace-building efforts; and the inclusion in the peace process of the views and interests of all sectors of society, including the most marginalized and those disadvantaged for reasons other than ethnicity.

44. Mr. CANNY (International Catholic Migration Commission) expressed concern that receiving countries were unwilling to join in the recent drive to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the one human rights standard that would protect the rights of large groups of people on their own territories who were often treated as second-class citizens. The prevailing market ideology favoured the free movement of goods but restrained the free movement of persons.

45. Migrants were becoming desperate, and desperate people did desperate things: an increasing number were falling into the hands of traffickers and were living in forced labour and sexual exploitation, especially women and children. His organization recommended that States should adopt legislation criminalizing the traffickers and abrogate legislation criminalizing victims; and that customs and police officers, as well as judges and lawyers, should receive appropriate training in dealing with victims. States should also be encouraged to invite the Special Rapporteur on the human rights of migrants to visit their countries and respond to her urgent appeals and communications.

46. Mr. CASTILLO BARROSO (Movimiento Cubano por la Paz y la Soberanía de los Pueblos) said that forced migrations represented 2.5 per cent of the world's population, with the United States of America and the countries of the European Union accounting for 25 million and 18 million persons respectively. Traffickers made an estimated US$ 30, 000 million per year.

47. In the case of Cuba, the illegal trafficking in persons orchestrated from the United States of America through the so-called "Law of Cuban Adjustment" had claimed thousands of lives over the past three decades, and not a single trafficker had been arrested in the United States, although Cuba had provided abundant and precise information through government channels.

Other migrants - from Mexico, the Dominican Republic and Haiti - undertook horror-filled crossings to the "promised land", whereupon they were either deported or they served as cheap labour until being expelled.

48. Some analysts considered that, if it was to continue its economic growth over the next 50 years, Europe would require 47.4 million migrants. Governments in Europe adopted double standards: immigration legislation was amended to permit the legal entry of the necessary labour force of young, single people, while denying other immigrants, especially those with no documents, their basic rights. The Commission should condemn such criminal practices, particularly the so-called "Law of Cuban Adjustment", the ignominious complement of the United States blockade of Cuba.

49. Ms. LUTHI (International Movement against All Forms of Discrimination and Racism (IMADR)), speaking also on behalf of the Steering Committee for the Global Campaign for Ratification of the International Convention on Rights of Migrants, said she was confident that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would receive the four more ratifications it needed and enter into force during the current year. Unfortunately, that progress was matched by tragic tales from all regions of the world of violence against and abuse of migrants as well as widespread discrimination and exploitation, particularly in employment. There was clearly an urgent need for the protection the Convention provided. States also needed to consider measures to regularize long-term irregular migrants in their territories.

50. Ms. STANTON (Robert F. Kennedy Memorial) said that in the Sudan, which had the largest displaced population in the world, as many as 150,000 persons had been newly displaced during 2000, much of the displacement occurring because government forces were systematically bombing civilian and humanitarian targets. In the first three weeks of January 2001 there had been eight confirmed bomb attacks against civilian and humanitarian sites. Moreover, the Government of the Sudan and allied militias had been launching offensives to gain control of strategic oil-producing areas, thus causing mass population displacement.

51. The situation of internally displaced persons in Indonesia was also of great concern: instead of intervening to stop the conflict and protecting transmigrants from Madura, the Indonesian military was facilitating the exodus of Madurese from Kalimantan. In Aceh, camps for internally displaced persons had been targeted for attacks by the Indonesian military because of unsubstantiated rumours that they were used as hideouts by the Free Aceh Movement. In the Moluccas, the humanitarian situation in the camps for internally displaced persons was very problematic.

52. Her organization urged the Commission, with regard to the Sudan, to condemn the bombing of civilian and humanitarian targets; to ensure adequate resources for the new Special Rapporteur and instruct him to address the situation in the oil-producing regions; and to encourage a mission to the Sudan by the Special Rapporteur on violence against women to examine the specific effects of internal displacement upon women.

53. With regard to Indonesia, her organization urged the Commission to insist that the Representative of the Secretary-General on internally displaced persons be granted full and free

access to the regions where internal displacement was occurring and to the camps where the internally displaced persons were housed; to instruct the Government of Indonesia to ensure that military attacks against and intimidation of camps for internally displaced persons cease immediately; and to remind that Government of its duty to provide internally displaced persons with humanitarian assistance.

54. Mr. ROSSI (International Association for Religious Freedom) said that, in many States, persons belonging to religious minorities were unable to enjoy their human rights in conditions of full equality before the law. In Pakistan, members of minorities could vote only for candidates put forward by their respective religions; a discrimination that had poisoned the country's socio-political atmosphere and contributed to the spread of sectarianism and violence. In the Islamic Republic of Iran, the Baha'i minority had been harassed and persecuted solely because of its religious faith. Baha'is were still discriminated against at the social, economic and legal levels and in education, despite some positive indications of change in the policy of the authorities.

55. In France, many respectable religious minorities, among the 172 supposedly dangerous sects listed in the 1996 Guyard Report, were marginalized and stigmatized. Mr. Guyard himself, had cooperated in a disinformation campaign. On television, he had baselessly accused a spiritual movement which respected the law and human dignity of being a sect. Jehovah's Witnesses were regarded as a sect which threatened public order. The National Assembly had adopted an anti-sect bill that had produced a wave of protests both inside and outside the country because it contained proposals that could infringe upon freedom of association and religion.

56. The Commission should be more active in protecting minorities, particularly persecuted religious minorities, by directly addressing the Governments of the countries concerned.

57. Mr. PRADHAN (Rural Reconstruction Nepal) said that for, almost a decade, more than 100,000 refugees from Bhutan had been languishing in camps in eastern Nepal and between 15,000 and 20,000 Bhutanese refugees were scattered in the bordering states of India. The Bhutanese refugee problem was the creation of the Bhutan State, and the result of policies of ethnic cleansing carried out by the Government of Bhutan against its Nepali-speaking southern Bhutanese or Lhotshampas, who differed racially, culturally and linguistically from the ruling Buddhist community.

58. After several years of negotiations on the repatriation of the refugees, the Government of Bhutan had finally agreed to a field verification to determine if refugees had been Bhutanese citizens in December 2000. While the verification, which had begun on 26 March 2001, was welcome, the Commission should take note of a number of facts: given the size of the joint verification team, it would take years to complete the process; the results of the verification process were not made known to the refugees; the categorization of the verified refugees would take a further number of years and the Government of Bhutan had not made public its repatriation plan.

59. The continued resettlement of people from other parts of Bhutan on land belonging to the refugees rendered doubtful the sincerity of the Government of Bhutan, which should declare a general amnesty as a prerequisite for ensuring repatriation of all its citizens safely and securely.

Finally, there had been no implementation of the recommendations made in the Chairmen's statements adopted at the 1998 and 1999 sessions of the Sub-Commission on the Promotion and Protection of Human Rights, calling for the involvement in the verification and repatriation process of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

60. Ms. AVILA FONSECA (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that, according to the Representative of the Secretary-General on internally displaced persons, over 25 million people across the world had been displaced as a result of conflicts and human rights violations. In Africa, half the population had been internally displaced.

61. In Latin America, Colombia had a particularly high number of human rights violations. Between 7 and 10 communities were forced out of their homes every month by the escalation of the conflict or by the crop spraying and other activities under Plan Colombia. Over 308,000 people had been displaced between January and November 2000. Those displaced in previous years still lived in dire circumstances, without employment or the minimum guarantees for survival.

62. In the year 2000, there had been 664 reported cases of people detained or disappeared in Colombia. Most were imprisoned without charge, so it was impossible to find them, still less to catch those responsible. Impunity reigned. Human rights defenders and members of the families of disappeared persons were victimized and targeted.

63. She called on the Commission to urge, in its resolution on Colombia, that displaced persons be returned and preventive measures adopted. It should also express its profound concern about impunity in connection with enforced disappearances, calling upon the Government of Colombia to take decisive action to find and punish those responsible and to enable the Working Group on Enforced or Involuntary Disappearances to pay another visit to Colombia.

64. Mr. FARZAN (Human Rights Advocates, Inc.) said that migrant workers and their families currently comprised some 97 million people and their human rights were being constantly violated. For example, in 1994 the United States of America had adopted a policy to control the flow of illegal immigration on its southern borders, while doing very little to address the reasons for the flow, which had led to many deaths. His organization commended the statement by the representative of the United States that it recognized the problem and would continue work to help the Mexican economy. Action should be taken immediately, however, to reduce the deaths at the border.

65. In Europe, the adoption of the Schengen agreements had led to the countries concerned severely tightening their external borders, despite their desperate need of labour to maintain their economic standards. Many would-be migrants had died in the attempt to enter those countries.

66. In Saudi Arabia, migrant workers were vulnerable to abuse by their employers, partly because they had no trade unions. They were afraid to practise their religion because they could face arrest, ill-treatment or deportation. They also had little legal protection under the criminal justice system.

67. Thailand still had very weak laws on human trafficking. Immigration detention centres were overcrowded and many migrants had no effective way of challenging the charge of illegal entry.

68. Thus far, only sending nations had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

69. The Commission should ask the Special Rapporteur on the human rights of migrants to visit troubled border regions, to develop solutions for preventing the many deaths that occurred there, to consider measures for identifying bodies found along the borders, so that families could be notified, and to suggest what other measures the United Nations could take towards a more comprehensive approach to human trafficking and its prevention.

70. Mr. FATTORINI (Movement against Racism and for Friendship among Peoples) said that he wished to draw attention to the killings and forced displacements suffered by people of African descent in Colombia. Even the Government acknowledged that, over the past six months, 30 per cent of those internally displaced belonged to the Afro-Colombia community. Perhaps the most damaging discrimination for many years lay in the very denial of their existence. It was only after a long campaign that Afro-Colombians had been recognized as an ethnic group and its proportion of the population officially put at 21 per cent.

71. Paramilitary groups in Colombia engaged in killing, intimidation and forced displacement, often with the notorious participation of members of the police force. They claimed to be seeking guerrillas, but in fact they displaced or murdered people so that they could take over their land.

72. The Commission should, once again, send a firm and clear message to the military regime in Myanmar. Any improvement brought about by the approach adopted by the Special Rapporteur was to be welcomed, but minorities in that country were still subjected to persistent discrimination. The regime should implement a ceasefire throughout the country, so that representatives of all the minorities could embark on negotiations to democratize the country.

73. Lastly, his organization was most disappointed at the delay in the referendum process in Western Sahara and the deterioration in the relations between the two parties. The problems in the refugee camps and the prison camps were directly connected with the overall situation. The referendum would be a first step to resolving a thorny issue which tarnished the new image of the Kingdom of Morocco.

74. Mr. WEI Jingsheng (Transnational Radical Party) said that ...

75. Mr. SUN Xiaobo (China), speaking on a point of order, questioned whether the speaker truly represented the Transnational Radical Party.

76. Mr. WEI Jingsheng (Transnational Radical Party), after establishing that he did indeed represent that organization, said that, in China, about 100 million peasants had left the countryside in search of work in the cities, on account of the bureaucracy, corruption, low incomes and high taxes in the rural areas. Because the Communist party controlled most industrial and commercial enterprises, ordinary peasants were prevented by officials and their relatives from competing and had to depend on subsistence farming or migrate to the cities. In the cities, they were regarded not as citizens but as illegal immigrants. The police or military often arrested and deported them, demolishing their homes. Urban hospitals refused to treat patients without residence permits, and such people had no means of protecting their human rights. If they tried to organize they were violently suppressed.

77. Such actions violated not only United Nations human rights instruments but also China's own Constitution and legislation. China should reform its judicial and administrative systems and guarantee respect for human rights conventions and the reformed legislation. Law-enforcement and administrative organs should be closely supervised and fair treatment for peasants and all other citizens guaranteed.

78. Mr. PETTERSON (Norwegian Refugee Council) said that it was of the utmost importance that the mandate of the Representative of the Secretary-General on internally displaced persons should be renewed and that it should receive additional financial and political support. One of the Representative's greatest achievements had been the development of the Guiding Principles on Internal Displacement, which restated internationally recognized human rights norms. The Commission, the General Assembly, the Security Council and the Secretary-General had all supported the Guiding Principles and various agencies had called for their immediate implementation.

79. Unfortunately, a small number of countries had not fully understood the Principles and had taken a defensive stand on grounds of national sovereignty to block vital international assistance for internally displaced persons. The Commission should take a strong stand on ensuring adherence to the Principles. It should encourage all United Nations country and thematic rapporteurs and the treaty bodies to widen their use of the Principles as a yardstick to assess State behaviour.

80. While the primary responsibility for the protection of internally displaced persons lay with the Government, the international humanitarian community should, if a Government was unwilling or unable to meet its obligations, be given access to the persons concerned. Indeed, Governments should enjoy the prerogatives of sovereignty only as long as they fulfilled their international obligations to their citizens. Indeed, the international community's active promotion of the Guiding Principles should be seen not as a threat to sovereignty but as a way of strengthening it.

81. Mr. KARKLINS (Latvia), speaking in exercise of the right of reply, said that the statement by the representative of the Russian Federation did not correspond to the conclusions reached by international human rights organizations. The High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe (OSCE) had stated in 1999 that he was fully content with Latvia's Citizenship Law and that Latvia had implemented all his recommendations. He had made a similar statement with regard to the Language Law.

Moreover, the Council of Europe had recognized the compatibility of Latvia's legislation and practice with human rights standards and had decided to end its monitoring of the country.

82. With regard to education, he said that the Latvian State allocated funds for education in eight minority languages. There were 373 schools with Latvian as the language of instruction, 190 with Russian and 159 with two languages of instruction. There were two Hebrew, one Ukrainian, one Estonian, one Lithuanian, one Belarusian and six Polish schools, as well as Romany classes in six schools.

83. His delegation had been glad to hear that the observance of international standards was on the agenda of the Russian delegation.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

Statements in exercise of the right of reply

84. Ms. TAHIR-KHELI (United States of America) said that the Minister for Foreign Affairs of Iraq had made a number of false statements in his address to the Commission at its 54th meeting. Far from always giving priority to the well-being of its people, the Iraqi Government had, over the past generation, given priority to warfare, invading its neighbours and depriving its own citizens of the most elemental human rights. Moreover, rather than learning from the disastrous consequences of its policies, the regime had continued to pour resources into weaponry and its own self-preservation.

85. Indeed, the Iraqi Government had never cared about its own people but exploited their suffering in order to increase pressure on the international community to lift the sanctions. Its cynical offer was: "If you let us rebuild our weapons of mass destruction, we will let you feed our people." The Government's refusal to admit the Special Rapporteur on the situation of human rights in Iraq was further proof of the human rights violations inflicted by the regime on its people.

86. In alluding to the 1991 comprehensive military aggression against Iraq, the Minister had failed to recall that Iraq's invasion of Kuwait had led directly to its defeat in the Gulf war and the controls imposed by the Security Council. Those controls remained in place for one reason only: Iraq's refusal to comply with them. Baghdad therefore held the key to their duration. Until it complied, the sanctions were international law and merited the full support of all Member States.

87. In order to mitigate the impact on the Iraqi population, however, the United Nations had mounted the oil-for-food programme which, although resisted by the regime for a number of years, had become the largest humanitarian assistance programme in United Nations history. The well-being of the Iraqi people had improved, precisely because the programme operated independently of the regime.

88. Her Government was currently consulting other Member States to ensure that United Nations controls should deprive the regime of the weaponry and military components it sought but allow more trade between the Iraqi people and the

international community. The successful completion of those consultations would ultimately lead to the re-entry of a new Iraq into the community of nations.

89. Ms. GLOVER (United Kingdom) said, in reference to the statement by the Minister for Foreign Affairs of Iraq, that the Government of Iraq's only response to criticism of its appalling human rights record was, typically, to try to deny or suppress the facts, despite the overwhelming evidence of its brutal misrule.

90. Her Government totally rejected Iraq's attempt to blame United Nations sanctions for the humanitarian situation in Iraq. The facts showed that responsibility rested with the Iraqi regime. For example, over US$ 4 billion of humanitarian funds for the Iraqi people lay unspent in the United Nations Iraq Account. Moreover, Iraq had not so far ordered any medicines in 2001 under the current phase of the oil-for-food programme.

91. As for the no-fly zones, they had been set up in response to the Iraqi regime's cruel repression of the Kurds and Shiites. Those patrols could be ended immediately if there was no threat to the populations that they protected. Nor would there be any need for them to respond if Iraq stopped trying to kill the patrol aircrews.

92. Her Government called on the Government of Iraq to put an immediate end to its human rights violations, which included arbitrary arrest, torture and extrajudicial execution, to take immediate steps to improve the humanitarian situation, to cooperate with the United Nations and to allow progress on sanctions.

93. Mr. HUSSAIN (Observer for Iraq) expressed his amazement that the representatives of the United States and the United Kingdom should have resorted to the right of reply to attack Iraq's human rights record, when their two Governments had been responsible for violating Iraqi human rights for 11 years. Those two Governments alone insisted on maintaining the economic sanctions and the embargo, as a result of which an Iraqi child died every seven minutes. As many had pointed out, that amounted to the crime of genocide.

94. The United States and the United Kingdom continued their violations of Iraqi airspace, spreading terror with their shelling of every kind of target, including Shiite religious centres. The use of depleted uranium in vast quantities had also had frightening consequences, including an increased incidence of cancer.

95. The two Governments sought to hamper the application of the food-for-oil programme in every possible way. US$ 3.2 billion remained suspended and he noted that some of those involved in administering the programme had resigned in protest at the inhumanity of the two Governments' actions.

96. The crimes committed were a cause for shame for the people of the United States and the United Kingdom. They made much of their struggle against Nazism, but their own actions were no better. The Iraqi people, though small and with few resources, would fight to preserve their dignity and independence.

The meeting rose at 6.10 p.m.